

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KURT MORALES II, BEN FABRIKANT,
and BRANDON CALLIER, individually,
and on behalf of all others similarly
situated,

Plaintiffs,

v.

SUNPATH LTD., a Delaware corporation,
and NORTHCOAST WARRANTY
SERVICES, INC., a Delaware corporation,

Case No. 20-CV-01376-RGA

Defendants.

**STIPULATION AND [PROPOSED] ORDER ALLOWING PLAINTIFFS LEAVE TO
FILE A THIRD AMENDED COMPLAINT**

Plaintiffs Kurt Morales II, Ben Fabrikant, and Brandon Callier, individually and on behalf of all others similarly situated (“Plaintiffs”), and Defendants Sunpath Ltd., and Northcoast Warranty Services, Inc. (“Defendants”), stipulate and agree as follows:

1. Pursuant to Federal Rule of Civil Procedure (F.R.C.P.) 15(a)(2), Plaintiffs and Defendants have agreed, subject to the approval of the Court, that Plaintiffs may file their Third Amended Complaint (“TAC”) without the need to seek further relief from this Court;
2. The parties have agreed, subject to the Court’s approval of the Stipulation and proposed order, notwithstanding the timing set forth in F.R.C.P. 15(a)(3), that Defendants’ answer or other response to the TAC will be due 20 days from the date the TAC is filed;
3. Pending before the Court are Plaintiffs’ Combined Motions for Preliminary Injunction and Provisional Class Certification (D.I. 13). The hearing is currently stayed by Order of Court. (ECF No. 48, February 11, 2021). The parties propose that Plaintiffs’ motion be stayed and

continued, pending resolution of any motions directed to Plaintiffs' TAC by Defendants and the opening of discovery.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: June 1, 2021

By: /s/ Ian Connor Bifferato.

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*Attorneys for Defendants Sunpath Ltd. and
Northcoast Warranty Services, Inc.*

IT IS SO ORDERED.

DATED: _____

Richard G. Andrews
United States District Judge